

LAW AND POVERTY

by 17llb 062

Submission date: 22-Apr-2019 10:38AM (UTC+0530)

Submission ID: 1116731396

File name: 062_2017_LAW_AND_POVERTY.docx (382.94K)

Word count: 7410

Character count: 38550



DAMODARAM SANJIVAYYA NATIONAL LAW UNIVERSITY
VISAKHAPATNAM

SUBJECT

LAW AND POVERTY

FACULTY

Mr. ZAIN MOHAMMED SALEH

PROJECT TOPIC

CASE-LEGISLATION-SURVEY ANALYSES

STUDENT DETAILS

PVS RAJESH

17LLB062

SEMESTER – IV

BATCH OF 2022

ACKNOWLEDGMENT

I bid my heartfelt thanks to Mr. Zain sir for providing me this very good opportunity to analyse case and legislation related to poverty and its alleviation and hold survey on certain issue. Further, I'm very much indebted to DSNLU Library for assisting me with online resources.

Yours Faithfully,

PVS RAJESH

17LLB062

TABLE OF CONTENTS

Title	Page number
Case analysis	4
Legislative analysis	10
Survey analysis	15

CASE ANALYSIS

Union Bank of India v Khader International Construction & ors.

Case title: Union Bank of India v Khader International Construction & ors.

Citation: 2001 (105) CC 856

Appellant: Union Bank of India

Respondent: Khader International Construction & ors

Court: Supreme Court

Brief Facts:

Khader international construction, the defendant (appellant actually), filed an application before Sub-court Kochi and requested permission to sue as an indigent person. The appellant herein raised objections and contended that the plaintiff being a limited company was not a 'person' coming within the purview of order XXXIII, Rule 1 CPC, and the word 'person' referred to therein applies only to a natural person and not to other juristic persons. The Subordinate Judge permitted the respondent - plaintiff to sue as an indigent person. Aggrieved thereby, the appellant filed a revision and the same was dismissed by the learned Single Judge of the High Court and that judgment of the High Court was challenged in this appeal before the Supreme Court.

Contents of suit:

Contention is whether a juristic person can sue as an indigent person under order XXXIII, Rule 1 of the Code of Civil Procedure.

Grounds for allowing to sue as an indigent person by lower courts:

The respondent counsels argued that the word '*person*' includes both natural and juristic persons. Hence the respondent was allowed to sue as an indigent person.

Contentions of Appellant:

Learned counsel for the appellant contended that under order XXXIII, Rule 1, an explanation was given as to who can be an 'indigent person' and it was concluded out that an 'indigent person' is one who is not possessed of sufficient means (*other than property exempt from attachment in execution of a decree and the subject-matter of the suit*) to enable him to pay the fee prescribed by law to pay in order to get that plaint filed; or where no such fee is prescribed, if he is not entitled to property worth one thousand rupees other than the property excused from attachment in execution of a decree, and the subject-matter of the suit. It was submitted that under Rule 3, the person who is filing the application and therefore, the scheme of order XXXIII of the CPC envisions only a natural person to file a suit as an indigent person.

Contentions of Respondents:

The counsel for the respondent, on the other hand, contended that a suit can be filed as an indigent person not only by natural persons but also by all juristic persons who are permitted

to file a suit in that ability. It was contended that order XXXIII is a generous provision intended to help the litigants who are unable to pay the court fee at the initial stage and that the said provision is to be interpreted liberally. It was argued that when a company, firm, deity, etc. are permitted to file a suit in their juristic capacity, there is no reason why they should not be allowed to sue as an indigent person. Advocate for petitioners argued that the definition of the word 'person' contained in the General Clauses Act will apply and that extended meaning is to be attributed to the word 'person' referred to in order XXXIII.

Discussion on order 33 Rule 1 Civil Procedure Code:

The Court has discussed about order 33 Rule 1 of CPC which basically is dealing with granting permission and leave to sue and indigent person, which is famously known as “pauper suit” and the person who is seeking for the entitlement for this suit is known as “pauper”, the Court has stated that the word “pauper” is an indigent word which is more demeaning in nature

This word has been replaced by the word “indigent person” instead of the word “pauper” which is done through an amendment in that particular year, so as of now the word indigent person is dealt under order 33 Rule 1 of Civil Procedure Code.

What is order 33 Rule 1 of Civil Procedure Code?

Under this a suit can be initiated by an indigent person and there are few conditions for filing of such suit and those conditions have to be complied with, these conditions to be complied are as follows:

- If the person is not in the possession of sufficient means due to which he is unable to pay the fees which has been imposed by the law for the plaint in such suit. This excludes the property that has been attached in the execution of a decree and regarding the subject matter of the suit.
- If such fees is not at all prescribed and in case if he is not entitled to the property which values more than one thousand rupees and this excludes the property that has been exempted for the purpose of attachment in execution of decree and regarding any contents in that particular suit.
- If at all the person who is representing the suit of order 33 Rule 1 and in case if he acquires any property after the application has been represented or presented before the court of law, and to represent himself as an indigent person and such application made is still pending before the court of law. The property which has been acquired by him during the pendency of suit has to be taken into consideration during the time of deciding his application, as to see if he is actually an indigent person or not.
- If the person who is filing a suit to represent himself as an indigent person in any representative capacity, this issue shall be determined in light of the all the means and grounds which are being possessed by him in the capacity which he represented himself to be.

Institution of appeal as an indigent person:

Code of Criminal procedure under order 44 provides for the institution of appeal as an indigent person, The court has clarified it that there is no restriction on any individual who is filing a suit representing himself as an indigent person and who is asking for an exemption for the payment of court fees before the High Court, and it cannot be rejected on the reason that under order 33 Rule 1 of civil procedure Code by the lower court who has rejected his suit, an appeal shall therefore be laid down by such person accordingly.

Discussion of Court on what amounts to indigence?

This entire concept of indigent person was elaborated in Corpus Juris Secundum which is as follows:

This right to sue as an pauper is strictly barred only to the indigent persons, he can be called as an indigent person only if the court comes to a conclusion that the person who has filed such suit and the court has to satisfactorily feel that the person who filed such suit is unable to pay the court fees or any other expenses, another ground for considering him as an indigent person is the state of impoverishment which will further effect or impair or stop the pursuit of the court remedy. Although he must not necessarily be a destitute any other grounds which are considerable enough at the time of determination if a litigant is indigent which are quite similar to those considered in criminal cases and which further includes:

- Employment status
- Income of the party
- Benefits from government
- Social security
- Unemployment benefits
- ownership of un-encumbered assets
- Real or Personal property
- Indebtedness
- Financial Assistance from other family members
- Liquid Assets
- Alternative Sources of income

Based on all these factors the acceptance of suit or the rejected of suit on his indigence will take into consideration.

objective of order 33 and order 44

The main purpose of both these orders under civil procedure code are to help a person which is ridden by poverty and who do not have any means for the payment of court fees and help them to seek justice

Both order 33 and order 44 which provides an exemption from paying court fees which provides him to initiate suit and also appeal further for this purpose.

Issue:

1. Whether a juristic person who has filed the suit under order 33 rule 1 of Code of Civil Procedure is entitled to sue as an indigent

Application of facts:

The Hon'ble Supreme Court, based on favouring and conflicting precedents on the similar subject matter, concluded and held that the word 'person' not only includes natural persons, but also all juristic persons such as companies, entities and deities etc. The Court invoked General Clauses Act, 1897 which defines the word 'person' since it was nowhere defined in the Code of Civil Procedure, 1908.

observations:

Trial Court:

The trial judge allowed the petitioner (respondent-plaintiff) to sue as an indigent person.

High Court:

Appeal was filed before single judge bench of Kerala High Court. The learned judge dismissed the appeal and concurred with the decision of subordinate judge.

Supreme Court:

The Supreme Court bench led by Justice U.C. Banerjee and Justice K.G. Bala Krishnan referred to certain favouring and opposing precedents and concluded on the case.

Cases referred (favouring view):

1. ***Perumal Koundan v Tirumalarayapuram Jananukoola Dhanasekhara Sanka Nidhi Ltd.***¹:

A company, which was registered under companies act, was slipped in to debts and went into liquidation. The court appointed an official liquidator to evaluate and liquidate the assets. He then applied order XXXIII, Rule 1 to file a petition on behalf of the company, as an indigent. The petitioner raised objections against the petition filed by the liquidator as a company cannot file petition in *forma pauperis*. *The Division bench rejected the contention of petitioner and held that the word "person" includes natural and juristic persons also and allowed to sue in forma pauperis.*

2. In ***Gendalal Cotton Mills Ltd. & Anr. v Basant Kumaribai & ors.***²

The Single Judge of the High Court held that the word 'person' in the explanation to order XXXIII, Rule 1 includes a natural as well as a juristic person. The Learned Judge further explained that the impossibility of a corporation presenting an application before the Court in person is not a circumstance to justify the inference that the Legislature did not intend to extend the provisions of order XXXIII Rule 1 to Corporations.³

3. In ***Mathew v Kerala United Corporation Ltd.***⁴ it was held that the word 'person' mentioned in order XXXIII, Rule 1 should have the stretched meaning given to it in law. Under order XXXIII, Rule 1, any suit may be instituted by an indigent person. Suits under the Code of Civil Procedure can be instituted not only by natural human

¹ Perumal Koundan v Tirumalarayapuram Jananukoola Dhanasekhara Sanka Nidhi Ltd. (AIR 1918 Madras 362)

² Gendalal Cotton Mills Ltd. & Anr. v. Basant Kumaribai & Ors. (AIR 1961 Bombay 1)

³ Gendalal Cotton Mills Ltd. & Anr. v. Basant Kumaribai & Ors. (AIR 1961 Bombay 1)

⁴ Mathew vs. Kerala United Corporation Ltd. (AIR 1961 Kerala 181)

beings but also by artificial persons such as a corporation or an idol and also by persons like executors, administrators, trustees and official receivers who represent the estate of another. *Prima facie*, therefore, having regard to the scheme of the Code, the milieu and object of the enactment would not exclude unnatural yet juristic persons from the category of persons within the meaning of the said rule.

4. The similar view was invoked by the court in **Jogesh Chandra Bera & ors. v. Sri Iswar Braja Raj Jew Thakur**⁵ where it was held that “a deity as a juristic person can file a suit in forma pauperis under order XXXIII, Rule 1.”
5. Also in **Shree Shankarji Maharaj & Anr. v Mt. Godavari Bai**⁶, it was held that an idol represented by a shebait, can file a suit in forma pauperis. It was held that the word 'person' in order XXXIII has reference to all those who have a right to institute a suit.

Contrary view was taken by some High Courts in certain cases stating that person includes natural person only and it would not include juristic person. In one such case of them is **S.M. Mitra vs. Corporation of the Royal Exchange Assurance**⁷ wherein it was held that the word 'person' means a natural person that is a human being, and does not include a juridical person such as a receiver. Therefore, a receiver appointed under the Provincial Insolvency Act cannot be allowed to sue as a pauper. In **Associated Pictures Ltd. vs. The National Studios Ltd.**⁸ also held the same view that the 'person' in order XXXIII means only an individual person and does not include limited Company incorporated under the Companies Act. Again in **Bharat Abhyudoy Cotton Mills Ltd. vs. Maharajadhiraj Sir Kameswar Singh**⁹ also was of the view that in order to decide whether a person includes an artificial person or a corporation or a company, regard must be had to the setting in which the word 'person' is placed, to the circumstance in which it is used, and above all to the context in which it stands.

In **Radha Krishna Devata vs. Nathmal Mohta**¹⁰ it was held that the word 'person' in order XXXIII is intended to apply only to a natural person or a human being filing a suit and not to a juridical person like a deity, filing suit through a Shebait or trustee.

Judgment:

Relying on the above precedents and invoking General Clauses Act, 1898 the bench held that a person can be either natural or juristic and opined that the high courts have erred in not identifying a juristic person as 'person' under Rule 1, order XXXIII of Code of Civil Procedure. Answering to the question as to how a juristic person can be examined by the court, the bench held that the directing personnel of the company/entity/deity can be examined by the court or the person who is appointed to represent the entity can present before the court for examination.

⁵ Jogesh Chandra Bera & Ors. vs. Sri Iswar Braja Raj Jew Thakur (AIR 1981 Calcutta 259)

⁶ Shree Shankarji Maharaj & Anr. vs. Mt. Godavaribai (AIR 1935 Nagpur 209)

⁷ S.M. Mitra vs. Corporation of the Royal Exchange Assurance (AIR 1930 Rangoon 259)

⁸ Associated Pictures Ltd. vs. The National Studios Ltd. (AIR (38) 1951 Punjab 447)

⁹ Bharat Abhyudoy Cotton Mills Ltd. vs. Maharajadhiraj Sir Kameswar Singh (AIR 1938 Calcutta 745)

¹⁰ Radha Krishna Devata vs. Nathmal Mohta (AIR 1963 Manipur 40)

Comment:

Allowing a person to file a suit who is being a pauper, by means of indigence under Rule 1 of order XXXIII of Code of Civil Procedure secures ends of justice by not denying access to justice and legal redressal just because he was unable to pay the required court fee. If the suit is decided in favour of the applicant, the court may calculate the actual fee to be paid for the suit as if the person is not allowed to sue as a pauper and order the state to recover the court fee from any party ordered by the decree to pay the same.

If the suit is dismissed, the state would then take necessary steps to recover the court fee payable by the plaintiff and this court fee shall be a first charge on the subject matter of the suit. Hence, it can be concluded that the essence of the very order lies that a person shall not be denied justice only because he was a pauper.

LEGISLATION ANALYSIS
THE EMPLOYEES COMPENSATION ACT, 1923

INTRODUCTION

The Employees Compensation (Amendment) Act, 2017 was initially enacted in the year 1923 by the then colonial government under the name of The Employees Compensation Act, 1923. The legislation was aimed at providing fair and reasonable compensation to the employees who had suffered loss in the course of employment. With the increase of employment in both government and private sector, it is imperative on government to enact a legislation which could potentially compensate employees for injury/loss arising out of employment/out of course of employment.

Employer's Liability for Compensation

Employer's liability is dealt under Section 3(1) of the Act, which deals with employer's liability for compensation. It reads as follows:

“If personal ¹injury is caused to a *[employee] by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter” Provided that the employer shall not be so liable if:

- (a) In respect of any injury which does not result in the total or partial disablement of the *[employee] for a period exceeding three days;
- (b) In respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to—
 - (i) The *[employee] having been at the time thereof under the influence of drink or drugs, or
 - (ii) The wilful disobedience of the *[employee] to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of *[employees], or
 - (iii) The wilful removal or disregard by the *[employee] of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of *[employee].

Hence, the employer is liable to pay the compensation, if the employee does not fall under the above said category as per the rules laid down in the legislation if the injury arises out of:

- Course of employment
- Arises out of (during work hours)
- Such an injury results in disablement of employee.
- Employee not wilfully disobeying orders of employer

An employer of an institution/establishment is bound to pay compensation to the employee upon meeting the above condition. The clause of “arises out of (during work hours)” is relatively simple to prove, whereas course of employment is indeed a tough task to establish in certain cases.

All in all, who is an employee?

Section 2(dd) defines an employee. Employee means a person, who is –

- ² a railway servant as defined in clause (34) of section 2 of the Railways Act, 1989 (24 of 1989), not permanently employed in any administrative district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II; or
- (a) A master, seaman or other members of the crew of a ship,
(b) A captain or other member of the crew of an aircraft,
(c) A person recruited as driver, helper, and mechanic, cleaner or in any other capacity in connection with a motor vehicle,
(d) A person recruited for work abroad by a company, and who is employed outside India in any such capacity as is specified in Schedule II and the ship, aircraft or motor vehicle, or company, as the case may be, is registered in India; or
- employed in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Act and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Armed Forces of the Union; and any reference to any employee who has been injured shall, where the employee is dead, include a reference to his dependants or any of them;

Then, who comes under definition of an employer?

Section 2(e) of the Act defines an employer. An employer includes ¹ *The employer and the legal representative of the deceased employer, and when the [employee] services are temporarily lent or allowed to be leased to another person by the person with whom he / she is employed, the employee [has] concluded a contract of service or vocational training, That other person while the [employee] is working for him;*

Essential Conditions:

The Supreme Court, in the landmark judgment in *Kalyani P. v. Divisional Manager, Southern Railway (Personal Branch), Divisional office, Madras*¹¹, observed that in order to claim compensation under section 3(1) of the act from an employer, the following conditions shall be fulfilled. They are:

- ⁵ 1. personal injury
2. accident
3. arising out of and in course of employment

In order to further substantiate the conditions, it is imperative to cite certain famous case laws. They are:

There must be an employment existing with the employer:

The word *employment* is left undefined in the legislation. It could be understood as existence of a contract in the normal sense where the terms and conditions of work and payment of

¹¹ Kalyani P. v. Divisional Manager, Southern Railway (Personal Branch), Divisional Office, Madras (2004 LLR 207 (Mad HC))

salaries is made. In *Chintaman Rao v State of Madhya Pradesh*¹², the Supreme Court observed and concluded that “employment includes a contract of service between the employer and employee where the employee agrees to serve the employer under his control and supervision”

There must be a personal injury to the employee:

The term “Personal Injury” was intentionally left undefined in the statute by the law-makers so as to keep avenues open for judicial interpretation. Personal injuries means physiological and mental injuries in the ordinary sense. In *Indian News Chronicle v. Mrs. Lazarus*¹³, the Punjab and Haryana High Court observed that injury arose out of an accident is not confined to physical injury but may include a strain which causes a fatigue and pain. The death of the workman was due to personal injury only, but not due to anything arising out of employment.

Personal Injury must have been caused by an Accident:

In addition to *employment* and *personal injury*, the term accident was left undefined in the code. It may include any unintended incident, untoward event, and unexpected mishap, result brought about by some unexpected and undersigned act which could not be controlled against. In an interesting case of *Divisional Personal Officer, Western railway v Asulya Segam*¹⁴, the death ensued as a result of severe stress and strain at work place. The Rajasthan High Court held that it is not required to prove that there must be a direct relation between the cause of death and the nature of duties. Even if a connection between the two can be shown then the family of the dead employee would be entitled to claim compensation from the employer. In *Bai Shakri v. New Manekchow Mills Co.*¹⁵ the court held that where a series of small incidents, each producing some unsinkable results and operating collectively to produce the final state of injury forms together an accident within the meaning of this section.

The Accident must arise out of and in the course of Employment:

In *Commissioner, Kovilpatti Municipality, Kovilapatti v Tamilarasan and Anr*¹⁶, a worker was attacked by some malefactors on his way to work and succumbed as a result of injuries sustained. The Madras High Court relying on the Supreme Court judgement in *Regional Director v Francis De costa*¹⁷ (a judgement that dealt with an employee insured under the Employee's State Insurance Act) held that the deceased was on the road as a member of the public and was definitely not there in the course of his employment and hence his family members were not awarded compensation since there is no causal linkage between two intermediary actions.

The Court in *oriental Insurance Co. Ltd. v Nanguli Singh*¹⁸, held that the expression *arising out of employment* means that there must be a causal linkage relationship between the accident

¹² Chintaman Rao v State Of Madhya Pradesh (AIR 1958 SC 388)

¹³ Indian News Chronicle v Mrs. Lazarus (AIR 1961 Punj. 102.)

¹⁴ Divisional Personal Officer, Western Railway v. Asluya Segam [1994 LLR 11 (Raj)]

¹⁵ Bai Shakri v. New Manekchow Mills Co (AIR 1970 SC 222)

¹⁶ Commissioner, Kovilapatti Municipality, Kovilapatti v. Tamilarasan and Anr (1998 LLJ (002) 0683 Mad.)

¹⁷ Regional Director v. Francis De costa (1996 Lab I C 2720)

¹⁸ Oriental Insurance Co. Ltd. v. Nanguli Singh [1995 LLJ HC ORS (298)]

and the employment. If the mishap has occurred on account of the risk which is an instance of employment, it has to be held that the accident has arisen out of the occupation.

Similarly, few important judgments of some High Courts have widened the expression “arising out of course of employment” in a manner beneficial to employees. Some of important case laws are as follows:

In *State Bank of India v Vijay Lakshmi*¹⁹, the employee of SBI met with an accident *en route* work place which resulted in death. Nothing has been brought on record that the employee was not obliged to travel in any particular manner under the terms of the employment nor he was travelling in the official transport. Since no causal link was established between accident and employment, the deceased family was not entitled to any compensation.

Disablement or Death

To claim compensation under article 3 (1), it is essential that personal injury to the employee result in a total or partial disability of more than three days or ultimately death. Article 2 (g) of the Act states that "partial disability" means "where the disability is of a temporary nature, such incapacity reduces the earning capacity of the employee in any job in which he was employed at the time of the accident resulting from such interruption. A permanent nature, this disruption reduces its earning capacity in any function it was able to perform at that time: provided that each injury specified in the second part of the first schedule is considered to result in permanent partial disruption. "

Furthermore, section 2 (1) provides that "total disruption means this disruption, temporary or permanent, because the staff member is unable to perform all the work he was able to perform at the time of the accident resulting in such disruption. Total permanent disability is the result of each specific injury in the first part of Table I or for any group of injuries specified in Part II where the total percentage of loss of earning capacity, as specified in Part II against these injuries, Percent or more. "

In *National Insurance Company Limited v. Prem bhai Patel and ors*²⁰ the Court held that the insurance company is not absolutely liable to pay the compensation the family of deceased since he was already covered under Employees Compensation Act, 1923. Moreover it was further substantiated that if an employee is protected under EC Act, 1923, insurance companies are not totally liable to pay compensation. Also, if he is protected under umbrella of insurance, EC Act, 1923 will not apply to him.

occupational disease:

Section 3(2) of the Act deals with “occupational disease. It states that “(2) If an employee employed in any employment specified in Part A of Schedule III contracts any disease specified therein as an occupational disease peculiar to that employment, or if an employee, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months (which period shall not include a period of service under any other employer in the same kind of employment) in any employment specified in Part B of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, or if an employee whilst in the service of one or more employers in any

¹⁹ *State Bank of India v Vijay Lakshmi* (1998 LLR 319)

²⁰ *National Insurance Company Limited v. Prembhai Patel and Ors* (2005) II LLJ 1109 (SC)

¹ employment specified in Part C of Schedule III for such continuous period as the Central Government may specify in respect of each such employment, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the contrary is proved, the accident shall be deemed to have arisen out of, and in the course of, the employment.”

Power of commissioners in case person employed under two employers:

¹ Section 3(2A) of that Act states that- “If an employee employed in any employment specified in Part C of Schedule III contracts any occupational disease peculiar to that employment, the contracting whereof is deemed to be an injury by accident within the meaning of this section, and such employment was under more than one employer, all such employers shall be liable for the payment of the compensation in such proportion as the Commissioner may, in the circumstances, deem just.” In this situation the Commissioner has been given the authority and power to fix the extent of liability for different employers in respect of one employee who has worked under all of them.

Powers of central government and state government:

As per section 3(3)- “The Central Government or the State Government, after giving, by notification in the official Gazette, not less than three months' notice of its intention ¹ to do, may, by a like notification, add any description of employment to the employments specified in Schedule III and shall specify in the case of employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and thereupon the provisions of sub-section (2) shall apply, in the case of a notification by the Central Government, within the territories to which this Act extends or, in case of a notification by the State Government, within the State as if such diseases had been declared by this Act to be occupational diseases peculiar to those employments.” Therefore, this section empowers the Central and the State Government to add any description of employments to the employments specified in Schedule III along with the diseases which shall be deemed to be the occupational disease for the respective employments. For this, not less than three months' notice must be given by the government of its intention of doing so. The provision is self-explanatory and is devoid of any lacunae.

Employees Compensation Act and Poverty Alleviation:

This legislation aims at providing compensation to the employees who were either injured or dead in the course of employment. Injury in the course of employment invites partial or permanent disablement thereby holding an employee back from discharge of duties in employment, which ultimately leads to loss of income and eventually, poverty. Also, death in the course of employment casts serious shadow on the financial condition of family, where income would be evaded permanently. Therefore, the Employees Compensation Act, 1923 is one of the finest legislations which aimed at providing compensation to the employee/their families out of any injury/death caused, thereby saving the family from running into economic crises.

DATA ANALYSIS OF SURVEY ON ACCESS TO SANITATION AND CLEAN ENVIRONMENT

Area Covered: Sabbavaram and university neighbourhood

Total Questions: 56

No. of Households/Persons involved: 20

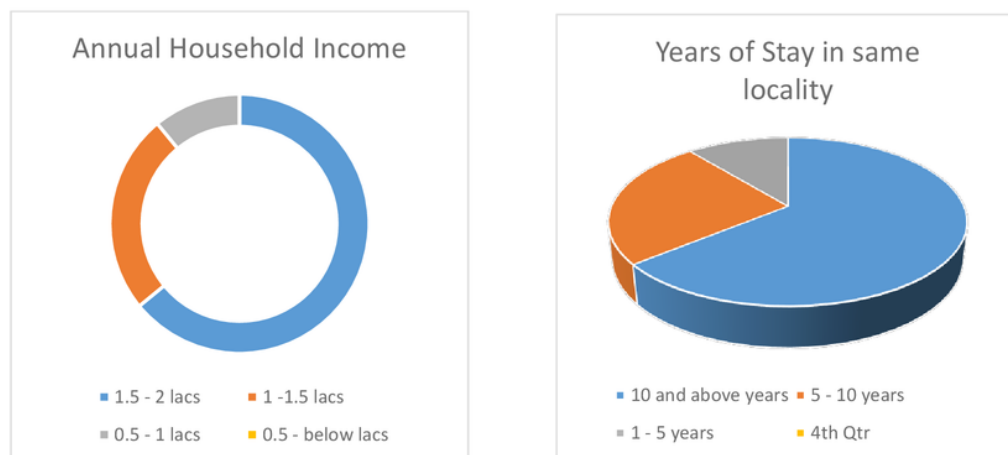
For an effective analysis, questions in the questionnaire were classified in to 4 distant categories, namely:

1. General information (1-10)
2. Household (11-36)
3. Vicinity (37-49)
4. Contributions of organisations (50-56)

General information:

Questions under this head are general in nature. This included caste, gender, educational qualifications, marital status, family size, number of bread earners in the family, annual household income, type of locality in which respondent is living in such as urban/rural and residential/ industrial/ outskirts, and finally number of years since a respondent is living in that particular area. Upon analysis, it is observed that people of all castes mentioned in the questionnaire dwell in this locality with an equal sex ratio. Moreover, they were all qualified with minimum education of class X. Also, there are more number of married respondents living in here. Surprisingly, none of the respondents were divorced. Average annual household income among all the respondents lied between Rs. 1,50,000/- to Rs. 2,00,000/- and more with certain respondents, thereby, it can be termed that no respondent is living below poverty line. Majority of the respondents stated that they were living in rural locality since past 10 years.

Graphical representation of general information²¹:



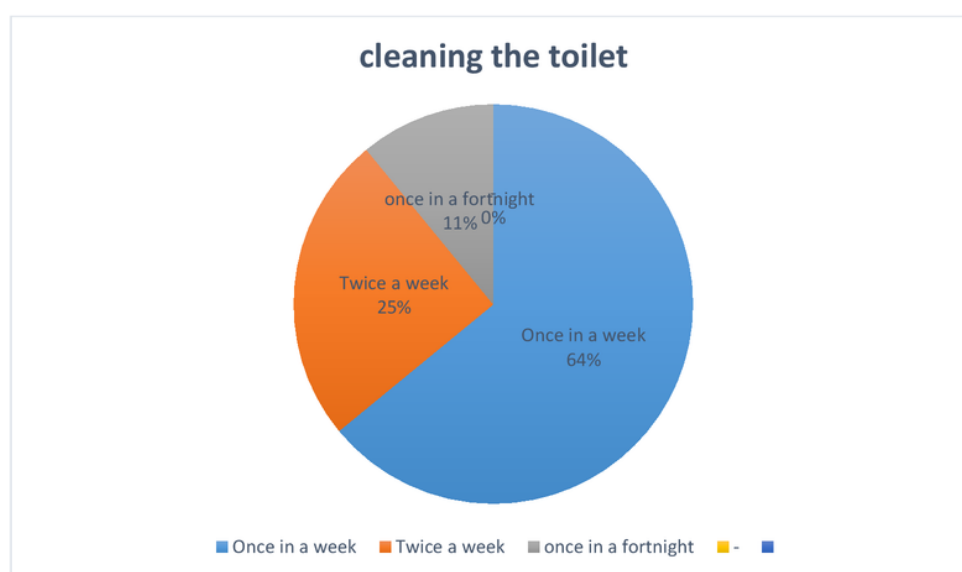
²¹ Graphical information is provided Only to certain questions

Household Information:

Household information collection primarily targeted specific sanitation issues such as availability and usage of toilets within their house, and its maintenance, usage of different dustbins for different wastes i.e. dry and wet, garbage disposal, and access to clean drinking water. Classification of the above topics into different heads is imperative for an effective analysis. Hence, they are divided in to different heads. They are as follows:

Toilet related information:

A lion's share of respondents said that they have a toilet within houses and most importantly, almost everyone utilizes the toilet for sanitation, thereby leaving very less scope for open defecation. Notably, those toilets are cleaned once in a week. Hence, it could be inferred that a great emphasis is laid on cleanliness and hygiene among respondent households.

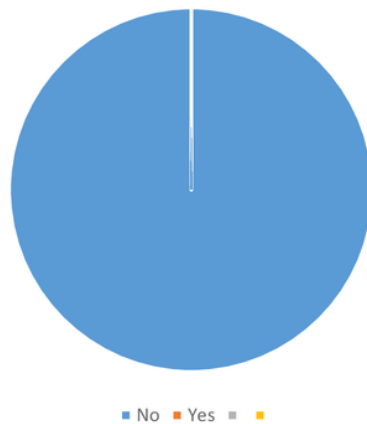


Dustbin and Garbage:

Regarding garbage disposal, majority of respondents answered that they use a dustbin in their houses and dispose the filled bin in a nearby dumping area. Thus, it could be said that a minimum hygiene is maintained in segregating waste materials generated out of daily chores, but 100% respondents (20) told that they do not separate wet and dry wastes while accumulating and disposing as well. Therefore, it is to be inferred that all the respondents are either ignorant or lazy in separating waste in to dry and wet compounds. Also, it is answered that there is no specific method of regular disposal for the locality's garbage by the municipality.

Coming to usage of specific products for maintenance of sanitation in and around house, maximum respondents told that they use all the asked products such as Phenyl, Lysol/ Dettol, and detergents for cleaning house and toilets. Finally, 13 respondents gave 3 out of 5 marks for satisfaction as to cleanliness of hygiene, whereas 3 rated 5 out of 5 and 4 rated 4 out of 5.

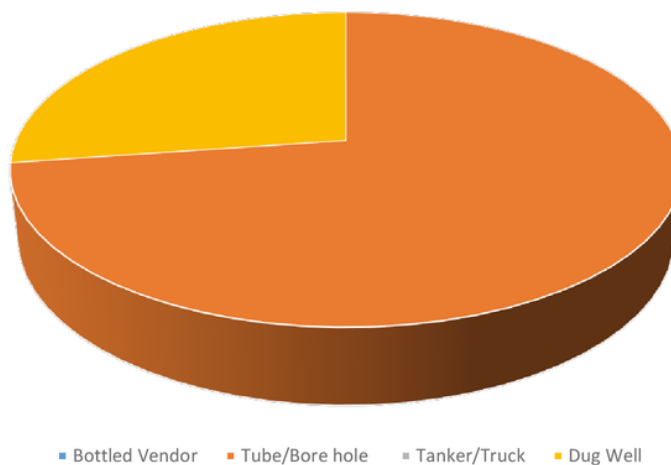
segregation of Dry & Wet wastes



Access to Clean Drinking Water:

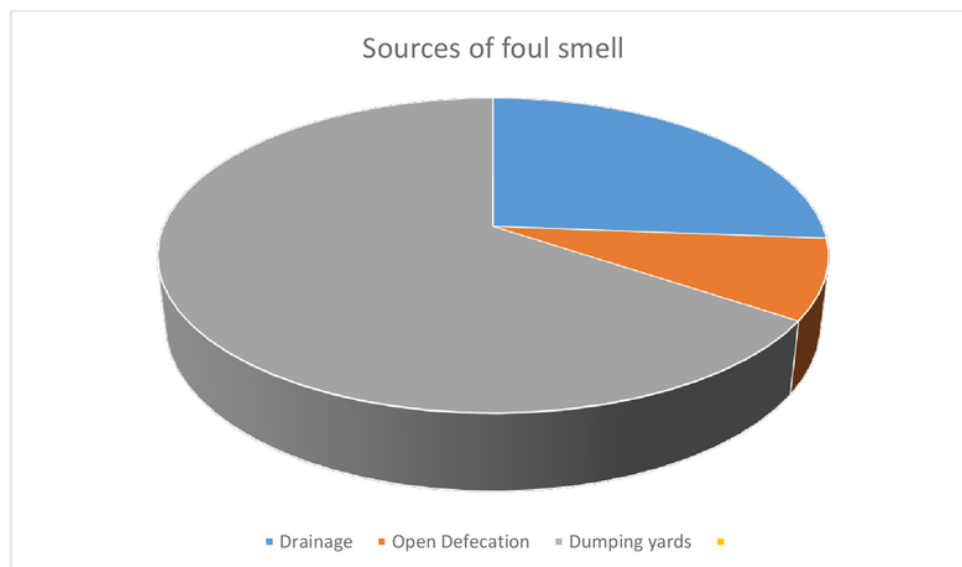
In response to method of access to clean drinking water, most respondents hold that they either dwell water from dug well or a tube/bore well. Further, many of the respondents explained that they use either boiling or any other purification method such as usage of water purifiers etc. for filtration.

Access to Drinking Water



Vicinity information:

Describing the level of satisfaction with the cleanliness of vicinity, almost all the respondents expressed similarity in responses by rating 4 out of 5 in average. Along with rating the cleanliness of the vicinity, 70% respondents answered that their vicinity has a well-equipped common toilet. Then, disposal of wastage in the neighbourhood seemed unhygienic as most of them opined that they dispose wastes in nearby dumping area thus leading to spread of diseases through flies and mosquitoes and importantly polluting air through foul smell. Coming to next aspect, thankfully, there is a well-designed drainage system in the neighbourhood thus controlling spread of breeding of mosquitoes.

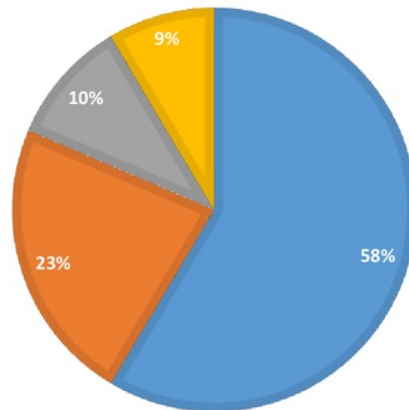


Contribution of organisations:

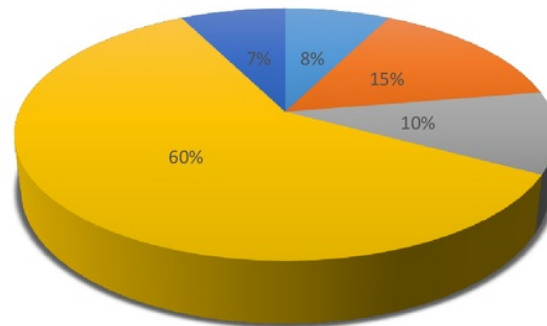
While there are many governmental schemes operating to maintain cleanliness around neighbourhood, Swachh Bharat Abhiyan is famous among the four schemes namely Swachh Bharat Abhiyan, Swachh Swasth Sarvatra, Nirmal Bharat Abhiyan and Total sanitation campaign. Then, 75% of respondents answered that there is more or less severe drainage problem during rainy season in which, governmental response is fair in maintaining cleanliness and dealing with sanitation and prevention of mosquito breeding. Ultimately, 80% of respondents gave 4 marks out of 5 to the governmental action during rainy season in maintaining sanitation and clean environment. Also, Swachh Bharat Abhiyan is highly appreciated by the neighbourhood for its effective implementation and marked it 4 on average.

AWARENESS OF SCHEMES

■ Swachh Bharat Abhiyan ■ Swachh Swasth Sarvtra ■ Nirmal Bharat Abhiyan ■ Total Sanitation Campaign

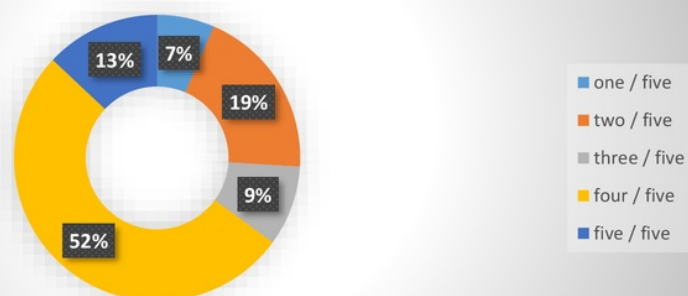


Rating the Government



■ 1 out of 5 ■ 2 out of 5 ■ 3 out of 5 ■ 4 out of 5 ■ 5 out of 5

Rating Swachh Bharat Abhiyan



In-Depth analysis of collected data

General information:

Annual household income of total people:

In the survey we have evidently noted almost 19 people out of 20 people were in the category where their annual income is Rs. 2 lacs or below, which is generally observed now-a-days to figure that people in villages are able to earn more than 2 lac rupees per year, which means roughly around Rs. 15,000/- to Rs. 20,000/- a month, which is quite obvious, and one person out of 20 people is of earnings between 50,000 - 1,00,000 who has his own land and grows his own crops and sells himself, which is quite acceptable but still 1,00,000 per annum is also quite less for few family in present days.

Toilets:

Working toilets of the respondents

This is one of the foremost question and now we have entered on to asking questions to the respondent regarding sanitation of their residence. Answering this question, 20 people accepted that they do have a working toilet, only 4 people who are nearby but not included in the survey rejected stating they don't have a working toilet and they are themselves forced to do open defecation, with a common reason of that because of their poverty and less income levels, the both the families of 4 people who does not have a operational toilet is finding it difficult to afford a working toilet for themselves.

Location of the household toilet of the respondents:

This is also one of the rudimentary question to know the nature of defecation being done, since open toilets which are outside the home are usually considered to be not too maintained properly and is more likely to affect people with any diseases. 15 out of 20 people do have working toilet in their home and remaining 5 people have a working toilet of their own, but have it separate the house, but within their premises and it is said to be controlled and used by their people only.

Nature of lavatories of the household of respondents:

It is to be noted that all the 20 out of 20 people whom we have surveyed, does not have a working toilet which they seem to be partaking with other family or other people. It is quite to note such things, since sharing of toilet may have more chances leading to spread of any illness or infection. It is a god thing to be noted that these respondents, does not share their toilet with any others.

Dustbins:

Trash-Can in the households of respondents:

It is to be noted that, dustbins are another major reason for cleanliness, because leaving dust freely in the house or even on the road is deluded to cleanliness. Interestingly, 14 out of 20 families of respondents do have a dustbin which is used by them and they do maintain the house, clean but 3 of the families of the respondents do not have a dustbin to throw the waste,

yet 2 of them through it in the nearby municipality dustbin and 2 are careless towards it and chuck the waste on to the road.

Segregation of waste by respondents:

Respondents were questioned about the separation of waste into dry waste, wet waste and recycled waste. As a matter of fact, we have clearly noted that most of the people living in moderate ignorant residential villages, they do not know the idea of segregating the wastes in to wet, dry and recyclable material. Because 19 out of 20 people are of opinion that they does not how this segregation happens and even they don't know the uses of the segregation and are of opinion that most people does not follow such segregation.

Scorching of household waste by respondents:

Being a inquisitorial in knowing whether the respondents burn their waste, or don't, whether they are unaware of the uses, if they do, then to question are they aware of the negative consequences. on this basis, we have notes only 5 of the 15 respondents are aware of the fact that they can burn their waste and those 5 are still in usage of burning unwanted wastes. But 15 of 20 people, who are of higher proportion are does neither aware of the advantages nor the disadvantages of burning their waste.

Products used for Hygiene maintenance around the house:

To maintain a house, we need to note whether the respondents are taking due care right from the beginning or not. So we have questioned about kind of products they use to maintain hygiene and cleanliness within house and maintain it highly sanitized. We have understood that 11 out of 20 prefer to use approximately similar kind of phenyl to maintain the house and toilets clean regularly, and 8 people prefer use another types of floor cleaners like Lysol and Dettol etc. But in one household, we have noted that the respondent's family do not use any kind of product to clean their house.

Satisfaction with the cleanliness of household by the respondents:

We have given the respondents to mark their level of satisfaction out of 5, to which the responses seemed a bit satisfying with their performance. The conclusions are as follows, 2 people rated as 1 / 5, 3 people rated it to be 2 / 5, 6 people felt it to be 3 / 5 and similarly, 6 people rated it to be 4 / 5 and only 3 respondents, rated 5 / 5. What can be concluded is that, most of the people, not most but all of them are really satisfied with what they have been on to, because almost 15 people are thinking that they rate their satisfaction of their house cleanliness to be 3 / 5 or more which is drastically, seeming to be habituated to all of them.

Distance of household of respondents from garbage dump:

on inquiry to the distance with respect to garbage dump, we have noted that 11 people are having the garbage dump within the radius of 1 km from their residence and 9 people are residing within the radius of 1 to 5 km the garbage dump from their residence, which is quite acceptable but still 1 to 5 km distance is a far deal of distance because this distance aspect may also make many of the residents refrain from walking.

Municipality's responsibility in collecting garbage from the respondent's house:

one of the major question is, it is the duty of the municipality to collect the garbage of each and every household. The data collected is quite doubtful since, 9 out of 20 respondents claim that these municipality people come regularly and dispose of their waste, but 11 people rejected the same saying that they do not even enter the premise, which seriously raise doubts with us as to what answer to rely upon.

Access to Drinking Water:

Access to water to the household of respondents:

Regarding the access to water to the respondents we have identified that 11 people have their access to water through pipes of the municipality which do work well and come on regular basis. 6 people claimed their access to water through tube wells and bore wells which they have stated that it they have installed them to their house with their own money just because of lack of water and no quality of water through municipal taps. 3 people claimed that they dwell in outskirts which is far from the village to come to the municipal pipes and take water, but still municipality tankers come to provide water.

Filtering of water by respondent's family:

We have questioned the respondents about the process through which they regularly rely upon in filtering water. We have noted 17 people, still depend on traditional method of boiling as the sole process to purify the water and use it for drinking. 3 families have the access to water purifying machines and they claimed they don't use any other methods. We have found no respondents using other methods like using clothe to filter water or sand paper etc.,

Drainage system and dumping yard in the vicinity of respondents:

We have questioned the respondents regarding the accessibility of dump yard and drainage system nearby and 16 people who are living in the village claimed that they have the availability of dump yard and proper drainage system nearby but 4 people as we discussed who came for work to the village claimed of no availability of such drainage system or dump yard near to their residence.

Diseases which affected the family of respondents due to an unclean environment:

We have noted that 0 family's from the village have stated that their family is being affected with malaria and 3 families claim that they are affected by diarrhoea. Thankfully, we have also observed that some of the dangerous diseases like cholera and dengue are not affecting the respondents.

Chances of foul smell near the vicinity of respondents:

We have obtained information that 2 people claim drainage as the main reason for foul smell basis, 4 claimed it to be because of open defecation done by other villagers and 14 people claimed it because of dump yard near to their house.

Contributions of organisations:

Awareness of schemes by the respondents:

We have asked people regarding their awareness towards few schemes we expect them to be known. We noted 15 people are aware of “Swachh Bharat Abhiyan”, 2 people are aware of “Swachh Swasth Sarvatra”, 2 people are aware of “Nirmal Bharat Abhiyan” and only one are aware of “Total Sanitation Campaign”.

Working of Go or NGo near the village of respondents:

17 people out of 20 of the respondents claimed that they are aware of an NGo working near to the village and 3 people outside from the village claimed that they are unaware of that fact any working.

Satisfaction with the working of government to clean your environment:

To answer this, we asked them to rate out of 5. 13 people have rated the work of government to their satisfaction to be 4/5, 4 people rated it to 3/5 and only 3 people rated 5/5.

LAW AND POVERTY

ORIGINALITY REPORT

10%

SIMILARITY INDEX

9%

INTERNET SOURCES

0%

PUBLICATIONS

8%

STUDENT PAPERS

PRIMARY SOURCES

1

mohdyasinblslb.blogspot.com

Internet Source

5%

2

Submitted to Management Development Institute

Student Paper

3%

3

Submitted to Jawaharlal Nehru University (JNU)

Student Paper

1%

4

www.rinehartrealestate.com

Internet Source

1%

5

Submitted to National Law School of India University, Bangalore

Student Paper

<1%

6

shodhganga.inflibnet.ac.in

Internet Source

<1%

Exclude quotes Off

Exclude bibliography Off

Exclude matches

< 10 words

